



TEXAS JUVENILE JUSTICE DEPARTMENT

Board Meeting

11209 Metric Boulevard, Building H, Ste. A
Lone Star Conference Room
Austin, TX 78758
Friday, April 1, 2016 – 9:00 a.m.

BOARD MEMBERS PRESENT:

Scott W. Fisher, Board Chairman
The Honorable Carol Bush
The Honorable John Brieden III
The Honorable Jimmy Smith
Riley Shaw
Chief Scott Matthew
MaryLou Mendoza

BOARD MEMBERS ABSENT:

Becky Gregory
Dr. Rene Olvera
Jane Anderson King
Calvin Stephens
The Honorable Laura Bush

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Chelsea Buchholtz, Chief of Staff
Roland Luna, Chief Inspector General
Luther Taliaferro, Superintendent of Education
Eleazar Garcia, Chief Internal Auditor
Tushar Desai, Medical Director
Jim Hurley, Communications Director
Alan Walters, Director of Operational Analysis & Facility Support

Rebecca Walters, Director of Youth Placement & Program Development
Carolyn Beck, Governmental Relations Specialist
Teresa Stroud, Senior Director of State Programs & Facilities
Jeannette Cantu, Executive Assistant

OTHER GUESTS PRESENT:

Pama Hencerling
Regina Perez
Susan Humphrey
Edesha Barnes
Priscilla Johnson
Kevin Dubose
Steve Roman
Seth Christiansen
Rachel Carrera
Connie Simon
Chelsea O'Hara
Emily Anderson
John Pelezar
Xavier Casares
Kyle Dufour
Israel "Buddy" Silva Jr.

Colleen Moran
Debbi McDaid
Kenneth Ming
Jim Southwell
D. Umul
Ron Quiroz
Ricardo Guerrero Jr.
Matt Smith
Darla Littrel
Vivian Cohn
Jerome Williams
Elizabeth Alamo
Fred Meinke
Estela Medina
Lynette Acuna
Kelly Arnecke

Kaci Singer
Kathryn Mattingly

Board Meeting
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Karen Kennedy

Shelly McKinley

Call to order

Chairman Fisher called the meeting to order at 9:00 a.m.

Prayer

Jerome Williams opened the meeting with a prayer.

Pledge

The Pledge of Allegiance and Pledge to the Texas Flag were recited.

Discussion, consideration, and possible approval regarding excused absences (Action)

The following Board Members were absent: Becky Gregory, Jane King, Rene Olvera, Laura Parker and Calvin Stephens. Ms. Mendoza moved to excuse the absences. Judge Bush seconded. The motion passed.

Public comments

There were no public comments.

Discussion, consideration, and possible approval regarding the January 29, 2016 Board Meeting minutes (Action)

Judge Brieden noted a correction needed on line 7 of page 21; the word fun should be fund. Judge Brieden moved to approve the minutes as corrected. Commissioner Smith seconded. The motion passed.

Report from the Executive Director

Executive Director David Reilly announced that TJJD was selected in a competitive process to participate in the pilot implementation of the Youth in Custody Practice Model, an 18-month comprehensive technical assistance package through the Council of Juvenile Correctional Administrators and the Center for Juvenile Justice Reform at Georgetown University. Rebecca Walters, Director of Youth Placement & Program Development, did a wonderful job of preparing and submitting the agency's application and will serve as lead on this project.

Regarding Regionalization, SB 1630, Mr. Reilly reported the Task Force continues to meet and he is proud of the progress being made by the team. He announced the three Regional Administrators to support county regions have been hired as well as a Planner. Regions have submitted their plan for diversions, which will then inform the statewide plan. Staff will bring the statewide plan to the Board for final approval before the end of the fiscal year. He recognized James Williams, Senior Director of Probation & Community Services, and Dr. Lori Robinson, Director of Community Mental Health Services, for doing a great job of moving this process along.

Also related to SB 1630, Mike Meyer, Chief Financial Officer, has concluded the new funding formula roll out to the counties. This was part of a three phase plan to implement funding mandates from SB 1630.

The Executive Management Team has begun the strategic planning process. The official plan will be due this summer. A draft will likely come before the Board in May. This is the time to meaningfully examine where staff wants the agency to be in the next five years. The first step was to develop the agency Mission Statement, Vision and Core Values. The Strategic Plan should now reflect those concepts which in turn will inform the Legislative Appropriations Request (LAR).

Mr. Reilly introduced Chip Walters, who started March 1, as the Director of Operational Analysis and Facility Support. He will be providing direction and guidance in strategic operations and planning. He will work cross-divisionally at facilities to identify recommendations for local and system-wide solutions.

There are currently two facilities in transition, Evins and Gainesville, both of which we hope to have resolved in the near future. Interviews are underway to hire Superintendents.

In terms of population, in the last four months, the increase in TJJD residential population has leveled off after almost a year of gradually increasing population. Currently, the agency is 6.5% over the budgeted population in state-secure facilities. In February, the agency received fewer new admissions and released more youth from secure facilities in comparison to February 2015. Mr. Reilly referred the Board to page 28 of their Board packet, the Agency Report Card. He thanked Mr. Shaw for his assistance in the development of this document. This shows, at a glance, numbers coming in and numbers going out. Indeterminate sentenced kids are in fact not staying longer, a question that is frequently asked in conjunction with a rising population. Therefore, in March, state-secure populations declined slightly.

In the last board meeting a question was raised about what is driving these increased admissions to TJJD. It was reported that in FY 2015, there was a decrease in certifications and an increase in determinate sentencing, and also referenced an increase in juvenile violent crime in some areas of the state. In fact, when comparing FY 2014-2015, there is an 8% increase in violent felony referrals for the state.

Judge Brieden repeated for the record that the agency has leveled off at 6.5% above what the agency's budgeted amount.

Lastly, Mr. Reilly recognized a key member of the team who is retiring; Lisa Capers, after nearly 24 years of services to the state, has decided it is time to retire at the end of this month. Lisa, currently the Senior Director of Training and Organizational Development, oversees the Juvenile Justice Training Academy and has led the agency toward full compliance with PREA. In addition, she has coordinated the cross divisional efforts involving several projects and initiatives related to the agency's mission. Lisa has been with the agency and the former TJPC for over 23 years, 19 of which serving as general counsel and as deputy director for the former TJPC. Ms. Capers received a standing ovation from the Board and the audience.

Chairman Fisher thanked Lisa Capers for her service to the agency.

Victoria County Juvenile Probation Department's specialized program for pregnant female offenders

Regina Perez and Lynette Acuna, both of Victoria County Juvenile Probation Department, presented an overview of the specialized program for pregnant female offenders. In response to questions from Judge Brieden and Chairman Fisher, Ms. Acuna stated they currently have eleven girls in the program and they do contract with other counties. In response to a question from Ms. Mendoza, Ms. Acuna said they do not currently have services for special needs students.

Chairman Fisher asked what is being done at the state level for girls programming, now that TJJD no longer utilizes the WINGS Program. Teresa Stroud, Senior Director for State Programs and Facilities, said

that all girls go to Ron Jackson State School and receive similar programming. She said there is also a P.A.P.A program for the boys.

Report from the Advisory Council

Estela P. Medina, Chief of Travis County Juvenile Probation Department and Chairwoman of the TJJD Advisory Council on Juvenile Services presented the Board with a report on the council's activities since the last meeting which included a funding update, an update on the risk and needs assessment instrument, the regionalization task force, the Standards subcommittee and advisory council appointments. Their next meeting is Friday, April 29, 2016.

Recognition of Advisory Council Chairwoman Estela P. Medina

Special recognition was given to Chief Estela P. Medina for her service as Chairwoman to the TJJD Advisory Council on Juvenile Services. Chief Medina is stepping down from the Advisory Council and has asked that her term not be renewed. Along with Chairman Fisher's message of thanks, Mr. Reilly and Doug Vance both presented her with plaques from her respective colleagues from the field both on the state and county side.

Chairman called for a recess to convene in a closed executive session.

Closed Session – Executive Session

- a. §551.071 Consultation with attorney (see footnote)
- b. §551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts)
- c. §551.074 Discussion regarding personnel matters

The Board entered a closed session at 9:48 a.m.

Reconvene in open session, discussion, consideration, and possible approval regarding matters deliberated in closed executive session, if applicable (Action)

The Board reconvened in open session at 10:02. No action was taken.

Discussion regarding disclosures of potential conflicts of interest pursuant to Texas Government Code Sec. 2261.252 as created by Senate Bill 20, 84th Legislature

Jill Mata, General Counsel, provided a handout relating to SB 20 and explained its purpose in relation to agenda item 16.

Discussion, consideration, and approval of revisions to the Board Governance Manual (Action)

Ms. Mata stated as a result of internal audits and recently enacted legislation, the staff has drafted changes to the Board Governance and Policy Manual. The Board has already approved these changes over the last year. Staff are asking that these changes be placed in the Board Governance Manual.

Due to recommendations in the Endowment Trust Funds Audit, the Board manual will now require each Board member to complete a training program relating to the Public Funds Investment Act within six months after initial appointment to the Board and specifically delegate the fiscal management of endowment trust funds to the executive director and appoint the TJJD staff member who serves in the role of lead general ledger accountant as the investment officer for these funds.

Due to recommendations in the Ethics Audit Report, the Board manual will now require each Board member to complete an ethics-related continuing education course within six months after being reappointed to the Board.

Due to requirements of SB 20, the Board manual will now require each Board member to disclose to the director of contracts all known actual and potential conflicts of interest concerning a contract with a private vendor or bid from a private vendor, ensure the member does not have a financial interest in any private vendor under contract with TJJD, and sign an annual certification form relating to all conflicts of interest involving TJJD contracts. Commissioner Smith moved to approve the resolution as presented. Judge Brieden asked for clarification about the Public Funds Investment training requirement. Chairman Fisher confirmed it was one of the trainings that all Board members have already taken. Mr. Shaw seconded. The motion passed.

Report from the Inspector General

Roland Luna, Chief Inspector General, presented his report providing an update to the Board on summary indicators for first and second quarter FY 2016 in comparison to FY 2015 including: Incident

Reporting Center (11% decrease), security intelligence evaluations, disposition tracking, criminal investigations submitted to prosecution (33% decrease), fugitive apprehension and recovery (5% decrease), apprehensions, use of force monitoring and total searches.

The OIG hosted the Central Texas Violent Gang Task Force Meeting in February in Killeen, Texas. OIG completed mandatory training with the Texas Commission on Law Enforcement and completed its pre-service and annual service trainings.

In response to a question from Chairman Fisher regarding the increase in total searches, Chief Luna stated the increase is due to several things, particularly the retooling of the K-9 Program which makes the program more efficient.

Report from the Administrative Investigations Division

Kevin DuBose, Director of Administrative Investigations Division, provided an update to the Board on summary comparison for the time period of September 1, 2015 – January 31, 2016 for the County Investigations and State Investigations Units. He talked about an increase in reports being attributable to an overall increase in average daily population on the county side. Judge Brieden asked for clarification regarding his comment and asked if he's saying that because of the diversion of kids, kids who would have ended up in TJJD are now being held in the counties. Those kids tend to be more difficult to deal with and so therefore there are more problems now in the county so that's probably why you see the increase in reports. Mr. DuBose agreed.

Regarding State Investigations, the majority continues to be policy violations.

Discussion, consideration, and approval of appointments to the Advisory Council for Juvenile Services (Action)

Mr. Reilly reported there are five members of the Advisory Council whose terms have expired: Judge Ramirez, Commissioner Allen, Chief Medina, Chief Vance and Chief Williams. Chief Williams, Chief Vance and Commissioner Allen have all expressed an interest in serving again. As you know, Chief Medina is stepping down; Chief Humphrey is nominated to fill that slot. Chairman Fisher appointed a committee of two Board members to review the recommendations, who recommend the board consider the following for appointments: Chief Humphry, Chief Vance, Chief Williams, Judge Ramirez

and Commissioner Allen. Chairman Fisher confirmed that is the recommendation of Chief Matthew and Chief King. In response to a question from Chairman Fisher regarding who will chair the Advisory Council, Mr. Reilly stated the council will make that selection among themselves. Mr. Matthew moved to adopt the recommendation of the committee. Ms. Mendoza seconded. The motion passed.

Report from the Trust Committee

Commissioner Smith reported the Trust committee met and all members were present. Kathryn Gray presented three items for discussion. Commissioner Smith called upon Ms. Gray to present those items to the full Board.

Discussion and possible approval to authorize amending the Memorandum of Agreement (MOA) with Parks and Wildlife Foundation of Texas, Inc. to remove the requirement currently found at section 1.E. (1) of the MOA that the biologist be certified as a wildlife biologist by the Wildlife Society (Action)

Kathryn Gray, Staff Attorney, reported that last year the Parrie Haynes Trust entered into a Memorandum of Agreement (MOA) with the Parks and Wildlife Foundation of Texas, Inc. (TPWF) to develop and a wildlife management plan at the Parrie Haynes Ranch. The agreement outlined certain requirements a wildlife biologist must have to be hired to write the plan. However, TPWF has now determined that a requirement in the agreement for the biologist be certified as a wildlife biologist, is unnecessary. Accordingly, staff have amended the agreement to remove the requirement. Staff recommends adoption of the amendment so that TPWF may proceed with hiring a biologist to write the plan for the ranch. Chairman Fisher stated that the Trust Committee recommended the full Board adopt the amendment. Commissioner Smith moved to adopt the amendment. Mr. Matthew seconded. The motion passed.

Discussion and possible approval to authorize the Boys and Girls Club of Central Texas, C5 Youth Foundation of Texas, Inc., and Spotted Horse Livery, as lessee and sub lessees of the Parrie Haynes Ranch, to utilize firearms when necessary to kill wild hogs that pose a danger to the safety and security of the Ranch and/or the persons located thereon, and delegate authority to the Board chairman in his capacity as trustee of the Parrie Haynes Trust to approve similar activities in relation to other wild animals when the need arises (Action)

Ms. Gray stated the lease for the Parrie Haynes Ranch requires the Board approval of any activities at the ranch that require the use of firearms. The subleasees have informed staff that at times wild hogs threaten the safety and security of the property and the persons. Chairman Fisher reminded the Board this is a 4000 acre tract of land. Ms. Gray stated that staff recommended the Board approve that the leasees and subleasees cautiously use firearms to kill the wild hogs. Staff also recommend that the Board delegate authority to the Board Chairman the management of similar activities with other wildlife so that they may be addressed in a timely manner. Judge Brieden moved to approve the resolution as presented. Mr. Shaw seconded. The motion passed.

Discussion and possible approval to authorize the Boys and Girls Club of Central Texas, as lessee of the Parrie Haynes Ranch, to host a sporting clay shooting event at the Parrie Haynes Ranch in October of 2016 and to host additional sporting clay shooting events from time to time at the Ranch under similar circumstances (Action)

Ms. Gray stated the Boys and Girls Club of Central Texas would like to host a sporting clay shooting event at the ranch in October of 2016. They are planning to hire a private company with expertise in shooting for the event, who has their own private insurance. Proceeds from this event will be used for improvements at the ranch, and, therefore, from time to time the Boys and Girls Club of Central Texas may host additional events with the same level of supervision. Staff recommended the Board authorize the Boys and Girls Club to host this and future events. Chairman Fisher stated he didn't want this to be a blanket approval for all future events. Discussion ensued among the Board members. Judge Bush recommended staff amend the resolution to state, "...to host additional sporting clay shooting events from time to time at the ranch under similar circumstances with prior notice." Judge Bush moved to approve the resolution as amended. Commissioner Smith seconded. The motion passed.

Report from the Finance and Audit Committee

Judge Brieden reported the committee did not have a quorum so no recommendations will be given on the action items heard before the committee.

Acknowledgement of gifts (Action)

Emily Anderson, Director of Fiscal Affairs and Budget, reported Sheldon and Charlene Ledbetter donated a Casio Keyboard to the Gainesville State School. This is a value of \$575.75. Mr. Matthew moved to acknowledge the gift. Judge Bush seconded. The motion passed.

Discussion and possible approval to amend the Agreement for Construction and Operation of Secure Post-Adjudication Juvenile Facility; Project #TJPC-L-97-191, Randall County (Action)

Kaci Singer, Staff Attorney, reported that in 1993, Texas passed a constitutional amendment allowing for general obligation bonds to be issued for the purpose of constructing juvenile facilities. In 1995, the Legislature appropriated money to the former Texas Juvenile Probation Commission (TJPC) and gave TJPC the authority to disburse bond proceeds to provide state aid to counties for the purpose of residential facilities for juveniles. One of the requirements of every facility was that they would continue to operate the facility as a juvenile facility for at least 20 years. TJPC and Randall County entered into such an agreement in 1997, began operation in 1998, thus the agreement is set to expire in 2018. Randall County recently approached TJJD regarding this agreement involving The Next Step Home Program. Unfortunately, referrals to the program are not as high as anticipated and have declined in recent years. Randall County has seen a decline in interested and qualified potential employees for the program. After several years of trying to keep the program operable, the Randall County Juvenile Board has determined it is no longer sustainable. The Randall County Juvenile Board has requested the TJJD Board consider releasing it from the obligation to continue operating the Next Step Home. Because the Randall County Juvenile Board has operated the facility for nearly 18 years in accordance with the terms of the agreement, staff recommends the TJJD Board agree to a modification of the original agreement to shorten the obligation from 20 years to 17 years. Ms. Singer reminded the Board that they heard a similar request from Taylor County in 2014 and it was addressed in the same manner. In response to a question from Chairman Fisher, Ms. Singer stated there was no legislative push back or statutory requirements regarding these requests. Ms. Mendoza moved to approve the resolution as presented. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §380.9709, relating to Youth Search, and §380.9710, relating to Entry Search (Action)

Teresa Stroud, Senior Director of State Programs and Facilities, stated the Board approved posting the revisions to these rules in the Texas Register for a 30-day public comment period. No comments were received. However, staff recommended minor grammatical corrections to both rules. The staff requested the Board's approval to adopt the rule review and the final rules. Mr. Shaw moved to adopt the rule review and final rules. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible approval to a rule review notice and the proposed repeal of §380.9703, relating to Weapons and Concealed Handguns, in the *Texas Register* for a 30-day public comment period (Action)

Chelsea Buchholtz, Chief of Staff, requested that the board consider repealing the rule, which requires notice in the Texas Register for a 30-day public comment period. Ms. Mendoza moved to approve publication of the proposed repeal. Judge Brieden seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers- Agreed Order (Action)

a. Richard Garza; 15-27991-150115; 27991 (Bexar)

Kyle Dufour, Staff Attorney, presented the agreed order for Richard Garza, an agreed order for probated suspension. Judge Bush moved to approve the agreed order. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers- default judgment orders (Action)

a. Jose Nino; 15-16680-140304; 16680 (Cameron)

b. Nicholas Ramos; 15-25947-150258; 25947 (Nueces)

c. Bruce Wynn; 16-29406-150294; 29406 (Harris)

d. Joe Longoria; 15-29767-0199; 15-29767-0208; 15-29767-0216; 29767 (Nueces)

Mr. Dufour presented each of the default judgment orders. He requested the Board adopt the default judgment orders. Mr. Shaw moved to approve the default judgment orders. Judge Bush seconded. The motion passed.

Report from the Programs Committee

Mr. Shaw reported the committee heard presentations regarding family engagement in state facilities and the Youth Placement and Program Development Divisions presentation on contract residential providers.

Adjourn

Chairman Fisher adjourned the meeting.

- The Texas Juvenile Justice Department Board reserves the right to limit the time and scope of public comments as deemed appropriate by the Board.
- The Board of the Texas Juvenile Justice Department reserves the right to take formal board action on any posted agenda item if necessary.
- Items may not necessarily be considered in the order in which they appear on the agenda.
- The Board of the Texas Juvenile Justice Department may go into closed session as authorized by the Texas Open Meetings Act as codified in Texas Government Code Section 551.071 with respect to any item.
- If ADA accommodations are needed, please contact Jeannette Cantu at 512.490.7004 or Jeannette.Cantu@tjjd.texas.gov